

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Bok	Team: Team # 7	CCRB Case #: 200707886	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/01/2007 2:10 AM	Location of Incident: Intersection of Southbound Grandview Avenue and Menahan Street	Precinct: 104	18 Mo. SOL 12/1/2008	EO SOL 12/1/2008	
Date/Time CV Reported Tue, 06/05/2007 1:01 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 06/05/2007 1:01 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Fritz Hector	18644	940248	104 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Verderber	09067	939652	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Fritz Hector	Discourtesy: PO Fritz Hector spoke obscenely and rudely to § 87(2)(b)	

## Synopsis

§ 87(2)(b) made a complaint via the CCRB's call processing system on June 5, 2007. At approximately 2:10AM on June 1, 2007, § 87(2)(b) was driving a cab in the vicinity of Grandview Avenue and Menahan Street in Queens. PO Fritz Hector and PO Joseph Verderber stopped § 87(2)(b) for failing to stop at a stop sign. § 87(2)(b) alleges that, in the process of issuing a summons, PO Hector said, "Give me your license, registration, and all that shit" (Allegation A). § 87(2)(b) was issued a summons for disobeying a stop sign.

§ 87(2)(g)

This case was originally referred to mediation. Before a mediation could be attempted, § 87(2)(b) decided that he no longer wanted to mediate his complaint. The case was re-assigned to Inv. Bok upon Inv. Saint-Fort's departure from the CCRB.

## Summary of Complaint

§ 87(2)(b) was interviewed at the CCRB on September 11, 2007 (Encl. 5A-D). § 87(2)(b)

On June 1, 2007, at approximately 2:10AM, § 87(2)(b) was alone, driving southbound in a 1998 Lincoln Towncar on Grandview Avenue in Queens. He was working as a cabdriver and he had been called to his first fare. As he pulled up to the intersection of Grandview Avenue and Menahan Street, he noticed two police cars on Menahan Street on the right hand side. As he drove through the intersection, he was pulled over by two uniformed officers. PO Fritz Hector, identified by the summons later issued to § 87(2)(b) was a 5'4"-5'5," bald, 38- or 40-year old, black male. His partner, identified by the investigation as PO Joseph Verderber, was a heavysset white male.

PO Hector approached the driver's side of the car, while PO Verderber approached the passenger's side. § 87(2)(b) greeted the officer and told him that he had stopped at the stop sign. PO Hector then said, "Give me your license, registration, and all that shit." § 87(2)(b) told PO Hector that that was an inappropriate way to talk to him. PO Hector then looked at PO Verderber and asked § 87(2)(b) if he was going to "tell him how to do his job." § 87(2)(b) had both windows rolled down and believes that both officers heard the conversation. The officers then returned to the car and wrote a summons for disobeying a stop sign. § 87(2)(b) asked PO Hector for his badge number and was told it was on the summons.

The entire stop lasted about 15 minutes. PO Hector's partner did not talk to § 87(2)(b) has seen the two officers on the street since the stop, but they have not pulled him over.

## Results of Investigation

### **Officer Statements**

#### *Overview*

PO Fritz Hector and PO Joseph Verderber of the 104 Precinct worked a uniformed patrol from 22:15 on August 31 to 07:15 on June 1, 2007. Both officers recalled the incident and confirmed their participation in it.

*PO Fritz Hector*

*Summons*

PO Hector issued summons number § 87(2)(b) to § 87(2)(b) (Encl. 7A-B). The summons was issued for disobeying a stop sign. The summons states that § 87(2)(b) spontaneously said, "Officer I did stop I was in a hurry." In the notes, PO Hector wrote the following: "At TPO [time and place of occurrence] Deft. [defendant] was stopped for disobeyed stop sign upon obtaining veh [vehicle] info from Deft. he was non-compliant after numerous attempts he complied."

*CCRB Interview*

PO Fritz Hector was interviewed at the CCRB on November 26, 2007 (Encl. 8A-B).

On August 31 to June 1, 2007, PO Hector worked from 22:15 to 07:15. He was on patrol, looking for criminal activity and traffic violations. He was partnered with PO Joseph Verderber. He was in uniform and assigned to a marked car.

PO Hector had the following entry written into his memo book (Encl. 6A): "02:10. Car stopped. 98 black Lincoln Towncar. Southbound Grandview Avenue. I/O [intersection of] Menahan Street. Disobeyed stop sign. Upon obtaining vehicle information, DFT [defendant] was non-compliant."

PO Hector stated that, at approximately 2:10AM, he stopped a 1998 black Lincoln Towncar for disobeying a stop sign. The officers approached the car. PO Verderber was on the passenger side and PO Hector was on the driver's side. He went to the driver, identified as § 87(2)(b) and asked for his license and registration. His words were, "Sir, can I get your driver's license and vehicle information?" After "numerous" requests, § 87(2)(b) failed to produce his license and registration. Upon being asked exactly how many times he asked § 87(2)(b) for his registration, PO Hector stated that he asked between one and five times. He later stated that it was "more than once." PO Hector stated that § 87(2)(b) was being "non-compliant." He seemed surprised that he was stopped. He was asking why he had been pulled over. PO Hector said, "I'll let you know after I get the information I requested." PO Hector stated that he later told § 87(2)(b) why he had been pulled over. He said, "Sir, you failed to stop at a stop sign." PO Hector did not remember if the windows of the Towncar were open. PO Hector stated that he did not use the word "shit" or any other profanity during the stop.

*PO Joseph Verderber*

*CCRB Interview*

PO Joseph Verderber was interviewed at the CCRB on December 6, 2007 (Encl. 10A-B).

On June 1, 2007, PO Verderber worked a sector patrol with PO Fritz Hector. He worked a 23:15x07:15 tour. He was assigned to a marked car and was in uniform. He did not have any entries in his memobook regarding the incident (Encl. 9A-B).

At approximately 2:10AM, PO Verderber and PO Hector conducted a car stop in the vicinity of Menahan Street and Grandview Avenue. The driver, identified as § 87(2)(b) failed to stop at a stop sign. There was no one else in the car. PO Hector spoke with § 87(2)(b). PO Verderber did not speak with § 87(2)(b) at all. He was standing on the passenger side of the car as PO Hector spoke with § 87(2)(b). He could not hear the conversation between § 87(2)(b) and PO Verderber. All he heard was PO Hector ask for § 87(2)(b)'s license and registration. PO Verderber was focused on § 87(2)(b)'s hands, making sure that there were no movements made inside the vehicle. He did not hear any yelling or cursing during the incident. PO Verderber could not recall § 87(2)(b)'s demeanor during the stop. He did not remember whether there was any difficulty getting § 87(2)(b) to produce his license and registration.

PO Verderber stated that he did not recall PO Hector using any discourteous language during the stop.

## **Police Department Documents**

### *Roll Call – 104 Precinct*

The roll call confirms that PO Fritz Hector and PO Joseph Verderber were assigned to sector patrol from August 31 to June 1 (Encl. 11A-E).

## **Disposition of Summons**

As of December 11, 2007, the summons issued in connection with this incident had not yet been decided.

## **Criminal Conviction History**

§ 87(2)(b) has no criminal convictions in the state of New York.

## **CCRB Histories**

This is the only complaint § 87(2)(b) has filed (Encl. 2A). PO Hector has been a police officer for one year. This is the only complaint that has been filed against him (Encl. 1A).

## **Conclusions and Recommendations**

### **Identification of Subject Officer**

§ 87(2)(b) provided PO Fritz Hector's tax number, which he got from the summons, in his initial complaint. PO Hector confirmed his role in the incident during his CCRB interview.

### **Undisputed Facts**

It is undisputed that, at approximately 2:10AM on June 1, 2007, PO Fritz Hector and PO Joseph Verderber stopped § 87(2)(b) at Menahan Street and Grandview Avenue in Queens. It is undisputed that both officers approached the car. It is undisputed that PO Hector spoke with § 87(2)(b) while PO Verderber watched from the passenger side and did not say anything. It is undisputed that PO Hector issued § 87(2)(b) a summons for disobeying a stop sign.

### **Disputed Facts**

In dispute is whether § 87(2)(b) disobeyed the stop sign. Also in dispute is whether § 87(2)(b) complied with PO Hector's initial requests for his license and registration. There is some question as to how many times PO Hector had to ask for license and registration. It is in dispute whether PO Hector said, "Give me your license, registration, all that shit" or used discourteous language of any kind.

### **Assessment of Evidence**

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation not pleaded**

§ 87(2)(b) [REDACTED] stated that he asked for PO Hector's badge number and was informed that it was on the summons. Because the officer was identified through his name and badge number on the summons, a refusal to provide name and shield allegation is not pleaded in this case.

**Allegation A – Discourtesy: PO Fritz Hector spoke obscenely and rudely to § 87(2)(b) [REDACTED]**

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: